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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,414	05/25/2001	Fred Discenzo	01AB121	6236

7590 01/13/2006
William R. Walbrun
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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/866,414

Applicant(s)

DISCENZO ET AL.

Examiner

Jungwon Chang

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None
Claim(s) objected to: none
Claim(s) rejected: 1-37,41-43,45-49,53-55 and 57-59.
Claim(s) withdrawn from consideration: none

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____

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Continuation of 11. does NOT place the application in condition for allowance because: The prior art claim rejections are hereby maintained. Specifically, applicant asserts that neither Hays et al. nor Grimm et al, either alone or in combination, teach or suggest "a diagnostics system integrated with the controller and the motor drive to comprises a single unit." The examiner respectfully disagrees and maintains the interpretation that these limitations are taught or disclosed by the references for the reasons detailed in the Response to Arguments section of the Final Action. Hay explicitly discloses a diagnostics system (diagnostic apparatus 24 includes motor vibration sensor 86, rotating machine seal leakage detector or sensor 94, oil contamination sensor 96, viscosity degradation sensor 98, torque sensor 100, corrosion sensor 104, ultrasonic thickness sensor 106, accelerometer 108; col. 13, line 7 - col. 14, line 7) integrated with the controller (micro-controller/PID controller 188, Fig. 4a; col. 14, line 55 - col. 15, line 15) and the motor drive (motor or rotating machine, 12, 14, fig. 1; drive units such as motors; col. 1, lines 45-46; power sources such as a 1800 RPM electric motor; col. 4, lines 5-8; driver source is an electronic motor; col. 6, lines 53-57) to comprises a single unit (fig. 1). Furthermore, Grimm discloses a diagnostics system integrated with the controller and the motor drive to comprises a single unit (20, fig. 1; col. 2, lines 27-32; col. 2, line 44 - col. 3, line 35; col. 4, claims 16; col. 5, claim 17).

Applicant further argues that Hays et al does not disclose a motor drive. Hay et al. explicitly discloses a motor drive (drive units such as motors; col. 1, lines 45-46; power sources such as a 1800 RPM electric motor; col. 4, lines 5-8; driver source is an electronic motor; col. 6, lines 53-57; motor or rotating machine, 12, 14, fig. 1).

For all of the reasons, the prior art rejections of claims 1-37,41-43,45-49,53-55 and 57-59 are properly maintained.